

IC 20-12-1.5

Chapter 1.5. Powers and Duties of Trustees Related to the Development of Facilities

IC 20-12-1.5-1

Legislative findings and declarations

Sec. 1. It is hereby found and declared that there is a need for the development of various facilities to properly service the various campuses of Indiana University, Purdue University, Ball State University, Indiana State University, and Vincennes University and that an additional and alternative method for developing and financing such facilities should be provided. It is further found and declared that such facilities would provide additional employment opportunities and would otherwise fulfill the public purposes set forth in IC 36-7-12.

As added by Acts 1979, P.L.215, SEC.1. Amended by P.L.3-1990, SEC.74.

IC 20-12-1.5-2

Definitions

Sec. 2. For the purpose of this chapter, the following words and phrases are defined as follows:

"Developer" means a person, firm, partnership, limited liability company, trust, association, or corporation, for profit or not-for-profit, which enters or proposes to enter into a financing agreement with a university for construction or management of facilities, or both.

"Facilities" means buildings and equipment located on or immediately adjacent to a university campus, the primary purpose of which is to make available or provide offstreet parking; alternative transportation systems; office space; convenience, retail and service establishments; bookstores; research; outpatient and extended care; food service; temporary lodging quarters or similar structures used by students, faculty, staff, patients, or visitors; or housing used by students in connection with hospitals or health care units. However, the term does not include undergraduate dormitories.

"Financing" means the activities listed in section 3 of this chapter.

"Financing agreement" means any agreement between a university and a developer or user concerning acquisition, construction or management of facilities, or the financing of, the leasing of, or possession of facilities, or both, and payments to or from the university in respect thereof.

"Trustees" means the governing body of a university. The term includes any board of trustees and trustee board.

"University" means Indiana University, Purdue University, Ball State University, Indiana State University, Vincennes University, and any other state university.

"User" means a person, firm, partnership, limited liability company, trust, association, or corporation, which has entered into a financing agreement with a university or developer in

contemplation of the user's use of the facilities referred to in such agreement.

As added by Acts 1979, P.L.215, SEC.1. Amended by P.L.214-1985, SEC.1; P.L.8-1993, SEC.262.

IC 20-12-1.5-3

Additional powers of universities

Sec. 3. In addition to any other powers which it may have, each university may:

- (1) enter into agreements concerning, and to acquire by gift, purchase or lease, land or interests in land and personal property needed for the purposes of this chapter;
- (2) purchase, lease as lessee or lessor, construct, remodel, rebuild, enlarge, or substantially improve facilities;
- (3) enter into financing agreements, including leasing land or facilities to users or developers, subject to the provisions of this chapter; and
- (4) enter into agreements with users or developers to allow such users or developers to wholly or partially construct and manage facilities.

As added by Acts 1979, P.L.215, SEC.1.

IC 20-12-1.5-4

Facilities; development; resolution to show need; nondiscriminatory and reasonable charges

Sec. 4. If the trustees shall determine that it is desirable to develop facilities pursuant to this chapter, it shall adopt a resolution finding that the facilities are needed to adequately furnish services to the students, faculty, staff, patients in hospitals or health care units operated by the university or visitors thereto, and that such services are not now being adequately furnished by others in the immediate area of the campus. The resolution shall provide that the plans and specifications for the facilities and for the development and management thereof shall be approved by the trustees. If the management and operation of the facility is to be by a developer or user, the specifications for the facility shall require that the facility will be generally available to the students, faculty, staff, patients in hospitals or health care units, and visitors thereto, without discrimination and at reasonable charges. These charges shall be reviewed and revised from time to time by the university so as to assure that such charges shall at all times be nondiscriminatory and reasonable.

As added by Acts 1979, P.L.215, SEC.1.

IC 20-12-1.5-5

Proposals for development, use, and management; award to developer

Sec. 5. The trustees shall take such action to invite proposals for the development, use and management, if applicable, of the facilities so as to provide open and competitive proposals. In making an award

the trustees may consider the experience and financial ability of a developer or user, the plans and specifications for the facilities, the size and cost thereof, payments to be made to or from the university, the method of financing and the terms and conditions of any proposed financing agreement, and any other factors of benefit to the university. The award shall not be final until approved by the governor and the state budget agency, with the recommendation of the state budget committee, and not until the notice is provided as specified in section 6 of this chapter.

As added by Acts 1979, P.L.215, SEC.1.

IC 20-12-1.5-6

Notice of determination to make award

Sec. 6. A notice of the determination to make an award, briefly describing the facilities, the purpose thereof, and a brief summary of the principal terms of any financing agreement shall be published in two (2) newspapers of general circulation in the city of Indianapolis, one (1) newspaper of general circulation in the city where the facility is to be located, and one (1) newspaper of general circulation in the city where the principal campus of the university is located. Such notice shall be published once each week for two (2) successive weeks. No action to contest the validity of any financing agreement shall be commenced more than thirty (30) days following the last publication of notice of the determination to make an award.

As added by Acts 1979, P.L.215, SEC.1.

IC 20-12-1.5-7

Payments pursuant to financing agreements; tax exemption

Sec. 7. All payments received by universities pursuant to financing agreements authorized by this chapter shall be exempt from all taxation.

As added by Acts 1979, P.L.215, SEC.1.

IC 20-12-1.5-8

Chapter supplemental to other laws pertaining to universities

Sec. 8. This chapter is supplemental to other laws pertaining to the universities and shall not repeal any other laws or impair any other powers or responsibilities granted to the universities.

As added by Acts 1979, P.L.215, SEC.1.